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Milbrath & Gilchrist, P.A.

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FACSIMILE COVER SHEET

TO: EXAMINER S. GEBREMARIAM (U.S. PATENT AND TRADEMARK OFFICE)

CLIENT NUMBER: 54488

TELEPHONE: 571-272-1653

FAX: 703-872-9306

FROM: CHRISTOPHER F. REGAN, REG. NO. 34,906

DATE: January 3, 2005

NUMBER OF PAGES (INCLUDING COVER SHEET): 12

COMMENTS/INSTRUCTIONS:

Re: **U.S. Patent Application Serial No. 10/701,165 filed 11/4/03**

Attached are the following documents:

Copy of PRELIMINARY AMENDMENT (pages 1-9 and replacement drawing)

Copy of return postcard acknowledging receipt in USPTO Mailroom on 11/4/03

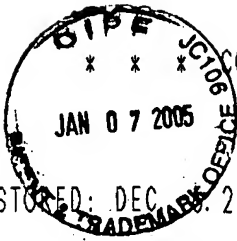
The restriction requirement mailed on 12/2/04 incorrectly considers canceled Claims 1-11. We respectfully request that a new office action be issued directed to Claims 12-38 added by Preliminary Amendment of 11/4/03.

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COMMUNICATION RESULT REPORT (DEC. 6. 2004 4:46PM) * * *

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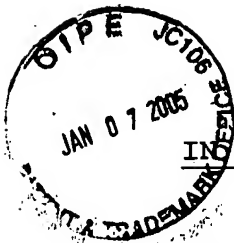
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TO: EXAMINER S. GEBREMARIAM (U.S. PATENT AND TRADEMARK OFFICE)CLIENT NUMBER: 54488TELEPHONE: 571-272-1653FAX: 703-872-9306FROM: CHRISTOPHER F. REGAN, REG. NO. 34,906DATE: December 6, 2004NUMBER OF PAGES (INCLUDING COVER SHEET): 12

COMMENTS/INSTRUCTIONS:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
MORIN ET AL.

Serial No. Not yet assigned

Filing Date: Herewith

For: SEMICONDUCTOR DEVICE WITH MOS
TRANSISTORS WITH AN ETCH-STOP
LAYER HAVING AN IMPROVED
RESIDUAL STRESS LEVEL AND
METHOD FOR FABRICATING SUCH A
SEMICONDUCTOR DEVICE

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) EXPRESS MAIL NO: EV301516187US

) DATE OF DEPOSIT: November 4, 2003

) NAME: Justin Goree

) SIGNATURE: Justin Goree

PRELIMINARY AMENDMENT

MS Patent Application
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Prior to the calculation of fees and examination of
the present application, please enter the amendments and
remarks set out below.